

Dear Senators HEIDER, Nuxoll, Bock, and  
Representatives WOOD, Perry, Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Department of Health and Welfare - Idaho Child Care Program (ICCP):  
IDAPA 16.06.12 - Rules Governing the Idaho Child Care Program (ICCP) (Docket No. 16-0612-1401).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 06/06/2014. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 07/05/2014.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee  
**FROM:** Senior Legislative Research Analyst - Ryan Bush  
**DATE:** May 19, 2014  
**SUBJECT:** Department of Health and Welfare - Idaho Child Care Program (ICCP)

IDAPA 16.06.12 - Rules Governing the Idaho Child Care Program (ICCP) (Docket No. 16-0612-1401)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.06.12 - Rules Governing the Idaho Child Care Program (ICCP). The Department states that this rule was published as a temporary rule effective November 1, 2013, and was published in the January 2014 Idaho Administrative Bulletin. The Department further states that its former co-pay structure did not comply with federal regulation because it was based upon a percentage of the cost of child care. To comply with federal requirements, co-pays must be income based. Therefore, this rule bases co-payment upon family income. This rule also distinguishes between the co-pay requirements for post-secondary students and high school or GED students. Specifically, post-secondary students who do not work ten or more hours per week will be required to pay their own co-payment.

The Department states that negotiated rulemaking was not conducted because this rule is being done to align with federal regulations. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Section 56-202(b), Idaho Code.

cc: Department of Health and Welfare - Idaho Child Care Program (ICCP)  
Beverly Barr and Frank Powell

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)**

**DOCKET NO. 16-0612-1401**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 56-202, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than May 21, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The state's current co-pay structure is based on a percentage of the cost of child care which does not comply with the federal regulations for the child care program. In order to be in compliance with the federal requirements, the state's co-pay structure is being changed to income based. The current ICCP rules reference a percentage based co-pay for non-working students, which must be removed from the rules for compliance with federal regulations. This rule was published as a temporary rule effective November 1, 2013, and was published under this docket number in the January 1, 2014, Idaho Administrative Bulletin, [Vol. 14-1, pages 116 and 117](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no anticipated fiscal impact to the state general fund or any other funds due to this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule was adopted as a temporary rule align with federal regulations.

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Ericka Medalen at (208) 334-5641.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before May 28, 2014.

DATED this 3rd day of April, 2014.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
phone: (208) 334-5500  
fax: (208) 334-6558  
email: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

This docket has been previously published as a temporary rule.  
The temporary effective date is November 1, 2013.

The original text of the temporary rule was published in the Idaho Administrative Bulletin,  
Volume 14-1, January 1, 2014, pages 116 and 117.

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0612-1401  
(Only those Sections being amended are shown.)

503. ~~NON WORKING~~ STUDENT CO-PAYMENT REQUIREMENTS.

**01. Post-Secondary Student.** ( )

**a.** A post-secondary student ~~who does not~~ working less than ten (10) hours per week will be required to pay a ~~thirty-one percent (31%)~~ co-payment. ( )

**b.** A post-secondary student who works ~~at least~~ ten (10) hours or more per week will have a co-payment based on ~~his total~~ family income. ( )

**02. High School or GED Student.** A student who is finishing in high school, or who is taking English as a second language or GED courses will ~~be excluded from the requirement to pay a thirty-one percent (31%) co-payment and will instead~~ have a co-payment based ~~only~~ on his family income. (3-26-08)( )